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EXAMINER

ALVAREZ, P	ART UNIT	PAPER NUMBER
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2162  
DATE MAILED:

12/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/356,327</b>	Applicant <b>Charles Wong</b>
	Examiner <b>RAQUEL ALVAREZ</b>	Group Art Unit <b>2162</b>

Responsive to communication(s) filed on Sep 25, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 82-95 and 97-124 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 97, 100-105, 107, 108, 114-118, 122, and 123 is/are allowed.

Claim(s) 82-95, 98, 99, 106, 109-113, and 119-121 is/are rejected.

Claim(s) 124 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

1. This office action is in response to amendment filed on 9/25/200. Claims 82-95 and 97-124 are presented for examination.
2. The arguments to the claims have been considered but are deemed not persuasive.

### **Claim Rejections - 35 U.S.C. § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 95 is rejected under 35 U.S.C. 103(a) as being unpatentable over Junger (6,085,172 hereinafter Junger).

With respect to claim 95, Junger teaches a method of processing customer service request relating to a product(abstract). including an automated workflow process for customer service requests, including returns, that uses a database and a web-enabled database management system(figures 2 and 3); a customer making a purchase form the merchant(i.e. the returns are on purchases that a customer makes to a merchant)(prior art figure 1, items 3A-3B) and via the web in a self-help manner, causing a customer-service/return record to be created in a database to be processed by the merchant (Figures 2 - 4C, 4E).

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Junger does not specifically teach that the customer is the one sending the request through the computer network and the request. Since Junger teaches that the local region return center sends the request through the computer network and since, it is well known for customers to update a database with service requests and returns as it is the case of Westrope et al(5,9658,110) on Figure 8 and column 9, lines 53- col. 10, lines 1-11 then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have customer send the request to the manufacturer because such a modification would cut down on the cost of hiring personnel to perform this function.

5. Claims 96, 98 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junger (6,085,172 hereinafter Junger) in view of Sellers(5,311,438 hereinafter Sellers).

With respect to claim 96, Sellers teaches that the customer-service/return record created is related to a pre-existing database record(i.e. out of the pre-existing database record of the item purchased, a return record is created when the customer returns any of those items)(col 71, lines 35-47). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included creating a service/return record related to a pre-existing database record because such a modification would enable the system to keep track of what purchased items are being returned.

Claim 98 further recites wherein the customer-service/return record is categorized in accordance with types including multiples ones of the following types: under warranty part not

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required, under warranty part required, lost or damage, etc. Seller teaches creating and maintaining and describing the reason of the return such as lost or damage items(col. 71, lines 40-44). It would therefore have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included categories of why the item was returned because such a modification would provide faster, easier access, search and retrieval of the return items and its cause.

Claim 99 further recites including hierarchically related customer service/return record types. Official notice is taken that is old and well known to organize items in a logical ascending or descending series, as by order of importance. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included dividing the service/return type in a hierarchically order because such a modification would provide a faster, easier access, search and retrieval of the return items in order of importance.

6. Claim 121 is rejected under 35 U.S.C. 103(a) as being unpatentable over publication titled "Business to Business on the Internet: Using the web to cut costs and build sales"( hereinafter Business to Business on the Internet) in view of Sellers et al.(5,311,438 hereinafter sellers).

With respect to claim 121, Business to Business on the Internet teaches a method of establishing an end-to-end business-to-business commerce system for the sale, or sale and service, of product items, using a web-enabled relational database management system running on a server platform(entire document). Enabling a full spectrum of business functions to be performed remotely via the web(i.e. the company posts its products on electronic catalogs and provides

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online ordering and customer support via the net. It also sells Internet products and services which can be delivered via the net, such as software for intrusion detection and firewalls)(page 1, paragraph 4). Business to Business does not specifically teach storing within the database business data for at least one business partner. Official notice is taken that is old and well known in business to have certain criteria that are set and enabled by partners of the company to be kept and saved in a database because such a modification would allow those individuals that are responsible for the day to day management of the establishment's activities to have a set of defined criteria that he is allowed to perform.

With respect to performing a full spectrum of business functions including at least electronic commerce functions, order processing functions, accounting, shipping and customer returns. Since Business to Business on the Internet describes business to business functions including electronic catalog and online ordering of Internet products and services and Sellers teaches accounting, shipping and customer returns then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have modified the system of Business to Business on the Internet with Sellers accounting, shipping and customer returns functions because such a modification would facilitate and automate the process of providing the full spectrum of business functions electronically.

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7. Claim 113 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitarski(5,237,497 hereinafter Sitarski) in view of Business to Business on the Internet further in view of Sellers.

With respect to claim 113, Sitarski teaches storing within a database, in accordance with a single database schema, all current records required to perform a full spectrum of business functions throughout a life cycle of each product item(col. 5, lines 59- col. 6, lines 1-17); and limiting a number of persons for which current records are stored within the database(col. 5, lines 33-40). Sitarski does not specifically teach that the full spectrum of business function includes at least electronic commerce functions, order processing functions, accounting, shipping and customer returns. Since Business to Business on the Internet describes business to business functions including electronic catalog and online ordering of Internet products and services and Sellers teaches accounting, shipping and customer returns then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have modified the system of Business to Business on the Internet with Sellers accounting, shipping and customer returns functions because such a modification would facilitate and automate the process of providing the full spectrum of business functions electronically.

With respect to storing in the database customized business rules for dealing with different business partners, the business rules including rules concerning more than one of the business functions. Sitarski teaches a database storing different rules concerning different solutions to different problems. Sitarski does not specifically teach that the database contains business rules

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for dealing with different business partners, the business rules including rules concerning more than one of the business functions. Official notice is taken that is old and well known to have different business partners and the different partners having different business functions. For example, In a partnership there are partners who are responsible for the day-to-day management of the partnership's activities called general partners and those who contribute only money and are not involved in management decisions are called limited partners therefore it would have been obvious to a person of ordinary skill at the time of Applicant's invention to have included storing in the database of Sitarski business rules for dealing with different business partners, the business rules including rules concerning more than one of the business functions because such a modification would avoid misunderstandings as to the business functions of the different partners.

8. Claims 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichtberger et al. (4,882,675 hereinafter Nichtberger) in view of Cupps et al.(5,991,739 hereinafter Cupps).

With respect to claim 110, Nichtberger teaches receiving demand information from multiple sources(i.e. a plurality of local stations(10) send coupon information which are based on what the customer are demanding or buying to the operation center(8)); grouping demand information received from multiple different sources, producing grouped demand information(i.e. all the coupons are grouped at the operation center(8) to determine what products are being demanded or sold)(figure , item 8); retaining a distinct record of individual demand information

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received from each of the multiple different sources (i.e. individual demand or coupon information is retained to determine redemption information).

With respect to performing one material management processing step using the grouped demand information, including communicating grouped demand information to a third party and performing another step using the individual demand information. Nichtberger further teaches that all the products purchased(demand information) is collected by the CDR unit(20) which then is called by the central processor(16)(third party or market research center) to obtain the products purchased information this information is examined to target additional coupons or offers based on the individual demand of certain product.

Nichtberger does not specifically teach that the system is implemented via a global computer network. Nichtberger is a business-to-business commerce process and using a global computer network for conducting the business-to-business commerce would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to provide a faster more accurate process. In addition, Cupps teaches an Internet online order method and apparatus. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included implementing the system of Nichtberger via a global computer network because such a modification would allow more user to benefit from the system.

Claim 111 further recites propagating demand information to at least one of customers and suppliers, including applying a classification scheme whereby items are classified, marked and displayed according to classification. Official notice is taken that is old and well known for toy

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makers as well as automobiles makers to classify and mark certain items for recall based on a certain classification. It would therefore have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included propagating demand information to at least one customer and supplier based on the item's classification because such a modification would extend the warranty on certain item when necessary.

With respect to claim 112, Nichtberger further teaches that the demand information includes demand information from the customer.

9. Claims 82-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellers et al. (5,311,438 hereinafter Sellers) in view of Cupps et al.(5,991,739 hereinafter Cupps).

With respect to claim 82, Sellers teaches a method of selecting products for purchase in a business-to-business system including a database (col. 70, lines 30-37). a user during a first session selecting at least a first product (i.e. the user enters the specification of the items to be purchased, the maximum and minimum quantities amounts and the value of the order(col. 70, lines 48-52); the system storing identification of said first within a first product collection(i.e. the system maintains an item(product) specific number(identification))(col. 70, lines 48-52).

With respect to the user during a subsequent session causing the first product collection to be retrieved. Since in the system of Seller, the product information is maintained to allow the user to place orders when needed(col. 70, lines 35-36) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have retrieved the

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product collection on subsequent sessions to allow the user to view and place the orders of already selected products because such a modification would reduce the time consumed in the ordering process; and the user producing an order for an item or group of items in the first product collection using the first product collection(i.e.out of the the products collections that were pre-selected)(first collection) the user selects items or group of items that are to be purchased.

With respect to using an electronic catalog to create a first product collection, since in Sellers a group of items are pre-selected and since Sellers is a business-to-business commerce for electronically ordering and returning products then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included an electronic catalog for storing the pre-selected items because such a modification would facilitate the search and retrieval of the needed products.

Sellers does not specifically teach that the system is implemented on the web. Sellers is a business-to-business commerce process and electronically conducting the business-to-business commerce would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to provide a faster more accurate process. In addition, Cupps teaches an Internet online order method and apparatus. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included implementing the system of Seller on the web because such a modification would allow more user to benefit from the system.

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Claim 83 further recites that the product collection is caused to be retrieved using a flexible identification procedure. In the system of Seller, the product information(such as an identification) is maintained to allow the user to place orders when needed(col. 70, lines 35-36). Sellers does not specifically teach that the identification of the product collection is a flexible identification procedure. Official notice is taken that is old and well known to use a flexible identification procedure because such modification would the identification procedure to adapt to new or different changing requirements.

With respect to claim 84, Seller further teaches adding an item to the first product collection(col. 71, lines 23-27).

Claim 85 further recites changing at least the quantity and price of a duplicated item. Official notice is taken that is old and well known when re-ordering previously ordered item to access a database with those records by changing the cost, quantity and term it would save the user time by not having to re-enter the item's specifications.

With respect to claim 86, Sellers further teaches classifying product collections into multiple categories according to use(i.e. each item is linked to one mere sets of characteristics(categories). The specifications(categories)may include performance characteristics(use) of the particular item)(col. 3, lines 19-26).

With respect to claims 87 and 88, official notice is taken that is old and well known to use a product collection as a customized catalog because such a modification would allow the user to

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save time by just ordering from previously ordered items which already have the users preferences.

With respect to claim 89, Sellers further recite that changes made by the use are immediately affectuated(col. 71, lines 23-47).

With respect to claim 90, official notice is taken that is old and well known to create a second product collection from a first product collection because such a modification would allow the user to save time by incorporating items previously purchased or ordered to a subsequent session if the same items are to be re-ordered.

With respect to claim 91, Sellers teaches a business-to-business commerce system(col. 70, lines 30-37). Creating within the database item collections, each item being a potential subject of a business transaction(i.e. within a database item collections(specifications) are created, each item being a potential subject of an order process)(col. 3, lines 19-26);

With respect to users creating new items collections at least partially derived from an existing item collections, producing a multiplicity of item collections related by derivation. Since, Sellers teaches that multiple item collections(specifications(121) are created which defines the characteristics of the products to be purchased and since it is common and well known to offer customers additional item collections related by derivation such as the system of De Lapa which provides additional coupons or offers to the customer based on similar characteristics of coupons redeemed in the past by that customer then the it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the item collections being

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related by derivation because such a modification would assure that the customer would be interested in the product because he or she was interested in a similar product before.

Seller further teaches that the item collection is communicated to at least one of supply and demand information from a first business to a second different business(i.e. the product collection(order) is communicated from a first business to the vendor or manufacturer, which is a second business (col. 70, lines 30-37).

Seller does not specifically teach that the system is implemented on the web. Sellers is a business-to-business commerce process and electronically conducting the business-to-business commerce would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to provide a faster more accurate process. In addition, Cupps teaches an Internet online order method and apparatus. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included implementing the system of Seller on the web because such a modification would allow more user to benefit from the system.

With respect to claim 92, Sellers further recite applying different classifications to different product collections(col. 3, lines 19-26).

With respect to claim 93, Sellers further teaches that the product collections include quotes(col. 70, lines 30-68).

Claim 94 further recites that the product collections include master worksheets. Official notice is taken that is old and well known to use a worksheet which can contain formulas so that if one number is changed, the entire worksheet is automatically updated, based on those formulas.

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It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the product collections of Sellers a master worksheet because such a modification would allow the user to save time by automatically updated the entire collection when a change occurs.

10. Claims 109 and 119-120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junger(6,085,172, hereinafter Junger) in view of Cupps further in view of article titled, Clemons "Segmentation, differentiation and flexible pricing: Experience with information technology and segment-tailored strategies" hereinafter Clemons.

With respect to claim 109, Junger teaches a method of handling customer requests over a global computer network(Abstract). Receiving a post-sale customer request related to a previously-sold item(Figure 4A); evaluating the request based on certain-specific criteria (col. 6, lines 58-, col. 7, lines 1-6); if applicable criteria are met, automatically approving the request and electronically communicating approval to the customer(Figure 4B and 4D).

Junger does not specifically teach that the customer is the one sending the request through the computer network. Since Junger teaches that the local region return center sends the request through the computer network and since there are well known systems wherein the customers makes request and update a database with request for service. For example in Westrope et al(5,968,110) the customer requests or return of previously purchased items are performed by the customers and the database is updated accordingly by the customer's requests(fig. 8 with emphasis on col. 9, lines 53- col.10, lines 1-11). It would have been obvious to a person of

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ordinary skill in the art at the time of Applicant's invention to have customer send the request to the manufacturer because such a modification would cut down on the cost of hiring personnel to perform this function.

Junger teaches that the evaluation of the requests are based on specific product criteria. Junger does not specifically teach that the evaluation of the request is based on the customer-specific criteria. Nevertheless, Clemons teaches that based on customer-specific criteria(historical customer data), such as being a profitable customer would determine additional services available to the customer, such as determining loans approvals(abstract). It would therefore have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included evaluating the returns request based on the customer-specific criteria because such a modification would enable business to retain their good customers.

With respect to claims 119 and 120, the claims further recite that the criteria include criteria set by at least one business partner and criteria set by historical data. The combination of Junger and Clemons further teach that the criteria set includes customer's historical data(in Clemons, Abstract). The combination of Junger and Clemons do not specifically teach that the criteria is set by one business partner but since, the combination of Junger and Clemons teach setting the criteria based on the historical data of the customer then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included at least one business partner to set the specific criteria because such a modification would allow those

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individuals that are responsible for the day to day management of the establishment's activities to have a saying on which set of criteria to include in the process.

**Response to Amendment**

A. The applicant has amended claims 113 and 121 to include the newly added feature of "a full spectrum of business functions to be performed remotely via the web, the full spectrum of business functions including at least electronic commerce functions, order processing functions, accounting, shipping, and customer returns". As can be seen by Business to Business on the Internet describes business to business functions including electronic catalog and online ordering of Internet products and services and Sellers teaches accounting, shipping and customer returns then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have modified the system of Business to Business on the Internet with Sellers accounting, shipping and customer returns functions because such a modification would facilitate and automate the process of providing the full spectrum of business functions electronically.

B. The Sitarski reference teaches storing different functions that must be met and problems that might arise during the process of a product.

C. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. demand information is grouped together to produce a single order ) are not recited in the rejected claim(s).

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Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner asserts that Nichtberger meets the claim limitation as recited by the claim language, "**grouping together multiple demands into a single material management step**". In Nichtberger all the products purchased are saved by CDR(20) and the central processor(16) periodically calls CDR(20) to collect all the data on products purchased(col. 9, lines 60-68). The products purchased are grouped together and then the central processor performs one single step of collecting all the data from the CDR unit(20).

D. The Sellers reference teaches pre-selecting a list of product collection of items from a variety of products(first product collection) and then the user or employee can use that list of items to order the items that are needed.

E. With respect to the well known statement used on claim 91, the examiner has provided a reference to support the well known statement.

F. With respect to the well known statement used on claim 91, the examiner has provided a reference to support the well known statement.

G. With respect to the arguments of claim 109, the applicant is reminded that the claim was rejected under a 103 rejection therefore applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Clemons

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reference teaches Clemons teaches that based on customer-specific criteria(historical customer data), such as being a profitable customer would determine additional services available to the customer, such as determining loans approvals(abstract) and since Junger teaches evaluating returns then it would therefore have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included evaluating the returns request based on the customer-specific criteria because such a modification would enable business to retain their good customers.

H. The 112 rejections to claims 82 and 121 have been withdrawn.

**Allowable Subject Matter**

11. Claims 97, 100-105, 107-108, 114-115, 116-118 and 122-123 are allowed for the reasons stated in the office action dated 7/20/2000.

12. Claim 124 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner asserts that interaction flows between business function enabled by the database which contains business rules for dealing with different business partners, the business

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rules including rules governing more than one of the business function affecting the sequentially interacting flows.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Points Of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703) 305-0456. The examiner can normally be reached on Monday to Friday from 9:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

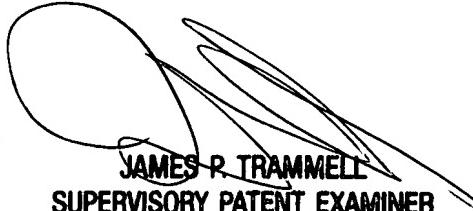


R. A.

Raquel Alvarez

Patent Examiner, AU 2162

November 29, 2000



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